



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/701,653	11/30/2000	Fabrice Bancel	Q61879	5626
23373 7590 10/31/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER PATEL, HARESH N	
			ART UNIT 2154	PAPER NUMBER
			MAIL DATE 10/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/701,653

Applicant(s)

BANCTEL ET AL.

Examiner

Haresh Patel

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-9 are subject to examination.

Response to Arguments

2. Applicant's arguments filed 8/9/07 have been fully considered but they are not persuasive. Therefore, rejection of claims 1-9 is maintained.
3. Regarding the applicant's concern, the Examiner substantially maintains the same rationale as set forth previously for rejecting the pending claims. Applicants maintain the previously submitted arguments regarding the patentability of claims 1-9 over the applied references, please refer to the office action dated 2/9/2007.
4. Regarding the claimed "assigning" and the 112 first paragraph rejection of the office action dated 2/9/2007, i.e., the Examiner alleges that the application fails to define "assigning," In response, Applicants submit that one of ordinary skill in the art would understand that assign can mean, for example, to ascribe or attribute to, and that this meaning would be understood by one of ordinary skill in the art, is noted. The applicant failed to point support in the specification, which the 112 first paragraphs requires. It is the claimed invention that requires how the assigning is implemented and what the assigning is limited to. Therefore, the rejection is maintained, please refer to the office action dated 2/9/2007.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Art Unit: 2154

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Please refer to the office action dated 2/9/2007, to further clarify, regarding the “assigning”, the applicant’s argument are not persuasive, i.e., the claimed method include: 1) assigning to a father object in a process, for each of one or more son objects, information corresponding to a physical address when at least one of said each of one or more son objects is contained in a same process, or 2) assigning to a father object in the process, for each of one or more son objects, information referring back to said central directory when another at least one of said each of one or more son objects is not contained in the same process. The above-discussed operations of claim 1 are implementable in a practical/useful way, and thus the operations reflect results that are useful, tangible, and/or concrete. First, the usage of “or” is noted, hence neither multiple operations are performed nor multiple results are accomplished. Mere assigning information does not implement the claimed invention i.e., implementing a tree of distributed objects and it does not produce or transform useful and tangible and concrete result.. Further, the usage of “one or more” is noted.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2154

7. Claim 1-3, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable Menzies et al., 6,317,748, Microsoft (Hereinafter Menzies-Microsoft) in view of "Official Notice".

8. As per claim 1, Menzies-Microsoft clearly teaches a method of implementing a tree (e.g., col., 15, lines 36 – 64, figure 8) of distributed objects (e.g., col., 6, lines 1 – 18) in different processes (e.g., col., 5, lines 28 – 59), wherein a central directory (e.g., col., 3, lines 27 – 35, col., 4, lines 51 – 64, col., 1, lines 15 – 25, also usage of repository of figure 3, usage of registry and/or directory and/or repository of figure 4, col., 6, lines 31 – 34, col., 7, lines 54 – 59, col., 10, lines 27 - 30) is stores information related to objects (e.g., col., 10, lines 9 – 34) in a data structure (e.g., col., 10, lines 27 – 57) at a root of the tree (e.g., col., 10, lines 15 – 35) the method comprising:

assigning to a father object (e.g., col., 15, lines 36 – 54) in a process (e.g., col., 15, lines 36 – 54), for each of son object (e.g. col., 16, lines 4 – 36), information (e.g., col., 13, lines 48 – 64) corresponding to a physical address (e.g., col., 14, lines 33 – 54) when the son object (at least one) is contained in a same process (e.g., col., 15, lines 36 – 54) or assigning to a father object in the process, for each of son object, information referring back to said central directory when another (the) son object (at least one) is not contained in the same process, wherein the process is a program and the father object is a software entity in the process (e.g. col., 15, lines 36 – 54, col., 16, lines 4 – 36, col., 4, lines 5 - 48).

However, Menzies-Microsoft does not specifically mention about two son objects.

"Official Notice" is taken that both the concept and advantages of providing two son objects is well known and expected in the art. For example, Whitney et al., 5,842,214 discloses

Art Unit: 2154

usage of objects to form a sub-tree of the distributed structure. Volk et al., 5,673,401 discloses usage of hierarchical tree of objects that is distributed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include two son objects with the teachings of Menzies-Microsoft in order to facilitate usage of the two son objects because it would provide information related to the two son objects. The objects would support information for handling the process.

9. As per claim 2, Menzies-Microsoft also teaches wherein when the central directory receives a request (e.g., col., 5, lines 28 – 54) for access to a first object identified by a logical name (e.g., col., 10, lines 14 – 58, col., 15, lines 2 - 24) identifying a logical access path (e.g., col., 5, lines 28 – 54) of said first object from the central directory (e.g., col., 9, lines 26 – 44), the central directory searching a data structure of the central directory for a logical name received (e.g., col., 10, lines 38 – 67) in order to send the request directly to said first object (e.g., col., 15, lines 8 – 29) and when said logical name is not in the central directory, the central directory searching (e.g., col., 9, lines 26 – 44, col., 10, lines 38 – 67), for a logical name with a longest character string equal to a first part of the character string of the logical name received (e.g., col., 9, lines 26 – 44, col., 10, lines 38 – 67), in order to send to said father object the second character string corresponding to a logical name of said father object defining a second logical access path from the central directory (e.g., col., 9, lines 26 – 44, col., 10, lines 38 – 67).

Art Unit: 2154

10. As per claim 3, Menzies-Microsoft also teaches wherein said father object which receives said request sending the request to said first object when said first object is returns a message to the central directory (e.g., figure 8, col., 17, lines 4 – 35).

11. As per claim 9, Menzies-Microsoft also teaches wherein the method applies to a distributed object environment based on a manager of a DCOM type (e.g., col., 5, line 62 – col., 6, line 29).

12. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Menzies-Microsoft and “Official Notice” in view of Skog et al., Ericsson, 6,385,650 (Hereinafter Skog-Ericsson).

13. As per claim 4, Menzies-Microsoft teaches the claimed limitations rejected as discloses above. However, Menzies-Microsoft does not specifically mention about managing redundancy of processes by selecting one of the processes relating to a requested object.

Skog-Ericsson teaches the well-known concept of managing redundancy of processes by selecting one of the processes relating to a requested object (e.g., figure 6, col., 3, line 40 – col., 4, line 23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Menzies-Microsoft with the teachings of Skog-Ericsson in order to facilitate managing redundancy of processes by selecting one of the processes relating to a requested object because the selected process would enhance handling the requested object. The software would help utilize the selected process in order to support the requested object using the central directory.

14. Claims 5 and 6, are rejected under 35 U.S.C. 103(a) as being unpatentable over Menzies-Microsoft and Official Notice in view of Collins et al., 6,687,761, Invensys Systems (Hereinafter Collins-Invensys) and “Official Notice”.

15. As per claims 5 and 6, Menzies-Microsoft teaches the claimed limitations as rejected above. Menzies-Microsoft also teaches the son object (e.g. col., 16, lines 4 – 36) is identified in said request by a logical name (e.g., col., 10, lines 14 – 58, col., 15, lines 2 - 24) defining a first logical access path (e.g., col., 5, lines 28 – 54) of said object from father object (e.g., col., 15, lines 36 – 54) said father object returns said request to the central directory with a first character string of said logical name preceded by a second character string (e.g., col., 10, lines 14 – 58, col., 15, lines 2 - 24) corresponding to a logical name of said father object defining a second logical access path from the central directory (e.g., col., 5, lines 28 – 54, col., 9, lines 26 – 44).

However, Menzies-Microsoft does not specifically mention about if the father object of a the process receives a request relating to the son object directly, said father object returns that request to the directory.

Collins-Invensys teaches the well-known concept of if the father object of the process receives a request relating to the son object directly, said father object returns that request to the directory (e.g., col., 9, lines 18 – 38, col., 17, line 52 – col., 18, line 15, figures 1 and 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Menzies-Microsoft with the teachings of Collins-Invensys in order to facilitate if the father object of the process receives a request relating to the son object directly, said father object returns that request to the directory because the father object would

Art Unit: 2154

return the request which it does not belong to the son object. The returned request would be sent to the directory, which would handle the returned request.

Menzies-Microsoft and Collins-Invensys do not specifically mention about whether the son object is contained or not in the process of the father object. "Official Notice" is taken that both the concept and advantages of providing whether the son object is contained or not in the process of the father object is well known and expected in the art. For example, Hudis et al., 6,862,736, discloses these limitations, e.g., paragraphs 9 and 24.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include whether the son object is contained or not in the process of the father object with the teachings of Menzies-Microsoft and Collins-Invensys in order to determining whether son object is contained or not in the process of the father object because the determination would inform the software about the inheritance related information. The software would process the information according to the determination.

16. Claims 7 and 8, are rejected under 35 U.S.C. 103(a) as being unpatentable over Menzies-Microsoft and Official Notice in view of Fiszman et al., Nortel Networks, 6,115,646 (Hereinafter Fiszman-Nortel).

17. As per claims 7 and 8, Fiszman-Nortel teaches the claimed limitations rejected under claim 1. However, Menzies-Microsoft does not specifically mention about directory containing information relating to each root object of each process and a manager of a CORBA type.

Art Unit: 2154

Fiszman-Nortel teaches the well-known concept of directory containing information relating to each root object of each process and a manager of a CORBA type (e.g., col., 6, lines 11 – 64, figure 17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Menzies-Microsoft with the teachings of Fiszman-Nortel in order to facilitate directory containing information relating to each root object of each process and a manager of the CORBA type because the directory would help handle each root object. The software would help utilize each process to handle each root object. The manager of the CORBA type would help utilize several different resources by the software.

Claim Rejections - 35 USC § 102

18. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

19. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Ricart et al. 6,510,450, Novell Inc.(Hereinafter Ricart-Novell).

20. Referring to claim 1, Ricart-Novell teaches a method of implementing a tree of distributed objects, wherein a central directory is stores information related to objects in a data

Art Unit: 2154

structure at a root of the tree (e.g., col., 11), said method comprising one of: assigning to a father object in a process, for each of one or more son objects, information corresponding to a physical address when at least one of said each of one or more son objects is contained in a same process (e.g., col., 4), and assigning to a father object in the process, for each of one or more son objects, information referring back to said central directory when another at least one of said each of one or more son objects is not contained in the same process, wherein the process is a program and the father object is a software entity in the process (e.g., col., 6).

21. Referring to claim 2, Ricart-Novell teaches the claimed limitations as disclosed above. Ricart-Novell also discloses when the central directory receives a request for access to a first object identified by a logical name identifying a logical access path of said first object from the central directory (e.g., col., 6), the central directory searching a data structure of the central directory for a logical name received in order to send the request directly to said first object or, when said logical name is not in the central directory (e.g., col., 7), the central directory searching for a logical name with a longest character string equal to a first part of the character string of the logical name received (e.g., col., 9), in order to send to said father object the request, by providing said father object with information corresponding to the logical access path of the first object relative to said father object (e.g., col., 10).

22. Referring to claim 3, Ricart-Novell teaches the claimed limitations as disclosed above. Ricart-Novell also discloses said father object which receives said request sending the request to

Art Unit: 2154

said first object when said first object is a son object of the process of the father object or returns a message to the central directory (e.g., col., 9).

23. Referring to claim 4, Ricart-Novell teaches the claimed limitations as disclosed above.

Ricart-Novell also discloses the central directory managing redundancy of processes by selecting one of the processes relating to a requested object (e.g., col., 6),

24. Referring to claim 5, Ricart-Novell teaches the claimed limitations as disclosed above.

Ricart-Novell also discloses when said father object of the process receives a request relating to at least one of said one or more son objects directly (e.g., col., 9), said father object returning that request to the central directory when said at least of said one or more son objects is not contained in the process of said father object (e.g., col., 10).

25. Referring to claim 6, Ricart-Novell teaches the claimed limitations as disclosed above.

Ricart-Novell also discloses wherein the at least one of said one or more son objects is identified in said request by a logical name defining a first logical access path of said at least one of said one or more objects from said father object (e.g., col., 9), and wherein said father object returns said request to the central directory with a first character string of said logical name preceded by a second character string corresponding to a logical name of said father object defining a second logical access path from the central directory (e.g., col., 10).

Art Unit: 2154

26. Referring to claim 7, Ricart-Novell teaches the claimed limitations as disclosed above.

Ricart-Novell also discloses wherein the central directory contains at least information relating to each root object of each process (e.g., col., 9).

27. Referring to claim 8, Ricart-Novell teaches the claimed limitations as disclosed above.

Ricart-Novell also discloses wherein the method applies to a distributed object environment based on a manager of a CORBA type (e.g., col., 6).

28. Referring to claim 9, Ricart-Novell teaches the claimed limitations as disclosed above.

Ricart-Novell also discloses wherein the method applies to a distributed object environment based on a manager of a DCOM type (e.g., col., 6).

29. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Dietterich et al. 6,647,393, Mangosoft Corporation (Hereinafter Dietterich-Mangosoft).

30. Referring to claim 1, Dietterich-Mangosoft teaches a method of implementing a tree of distributed objects, wherein a central directory is stores information related to objects in a data structure at a root of the tree (e.g., col., 6), said method comprising one of: assigning to a father object in a process, for each of one or more son objects, information corresponding to a physical address when at least one of said each of one or more son objects is contained in a same process (e.g., col., 7), and assigning to a father object in the process, for each of one or more son objects, information referring back to said central directory when another at least one of said each of one

Art Unit: 2154

or more son objects is not contained in the same process, wherein the process is a program and the father object is a software entity in the process (e.g., col., 6).

31. Referring to claim 2, Dietterich-Mangosoft teaches the claimed limitations as disclosed above. Dietterich-Mangosoft also discloses when the central directory receives a request for access to a first object identified by a logical name identifying a logical access path of said first object from the central directory (e.g., col., 6), the central directory searching a data structure of the central directory for a logical name received in order to send the request directly to said first object or, when said logical name is not in the central directory (e.g., col., 7), the central directory searching for a logical name with a longest character string equal to a first part of the character string of the logical name received (e.g., col., 8), in order to send to said father object the request, by providing said father object with information corresponding to the logical access path of the first object relative to said father object (e.g., col., 9).

32. Referring to claim 3, Dietterich-Mangosoft teaches the claimed limitations as disclosed above. Dietterich-Mangosoft also discloses said father object which receives said request sending the request to said first object when said first object is a son object of the process of the father object or returns a message to the central directory (e.g., col., 8).

33. Referring to claim 4, Dietterich-Mangosoft teaches the claimed limitations as disclosed above. Dietterich-Mangosoft also discloses the central directory managing redundancy of processes by selecting one of the processes relating to a requested object (e.g., col., 6),

34. Referring to claim 5, Dietterich-Mangosoft teaches the claimed limitations as disclosed above. Dietterich-Mangosoft also discloses when said father object of the process receives a request relating to at least one of said one or more son objects directly (e.g., col., 8), said father object returning that request to the central directory when said at least of said one or more son objects is not contained in the process of said father object (e.g., col., 9).

35. Referring to claim 6, Dietterich-Mangosoft teaches the claimed limitations as disclosed above. Dietterich-Mangosoft also discloses wherein the at least one of said one or more son objects is identified in said request by a logical name defining a first logical access path of said at least one of said one or more objects from said father object (e.g., col., 8), and wherein said father object returns said request to the central directory with a first character string of said logical name preceded by a second character string corresponding to a logical name of said father object defining a second logical access path from the central directory (e.g., col., 9).

36. Referring to claim 7, Dietterich-Mangosoft teaches the claimed limitations as disclosed above. Dietterich-Mangosoft also discloses wherein the central directory contains at least information relating to each root object of each process (e.g., col., 8).

37. Referring to claim 8, Dietterich-Mangosoft teaches the claimed limitations as disclosed above. Dietterich-Mangosoft also discloses wherein the method applies to a distributed object environment based on a manager of a CORBA type (e.g., col., 5).

38. Referring to claim 9, Dietterich-Mangosoft teaches the claimed limitations as disclosed above. Dietterich-Mangosoft also discloses wherein the method applies to a distributed object environment based on a manager of a DCOM type (e.g., col., 5).

Conclusion

39. To expedite the prosecution of this case, further multiple references are used for the rejections to demonstrate that several references disclose the claimed subject matter of the claims.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner has cited particular columns and line numbers and/or paragraphs and/or sections and/or page numbers in the reference(s) as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings

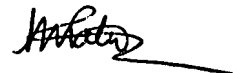
Art Unit: 2154

of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety, as potentially teaching, all or part of the claimed invention, as well as the context of the passage, as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HARESH PATEL

PRIMARY EXAMINER

October 25, 2007